

REMARKS

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. Support for amended claim 14 can be found in claim 17. Support for newly added claim 17 can be found in claim 14.

Claims 14-19, 23-25, 27-31, 33, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over (Unverricht et al.) WO99/41011 A1 ("Unverricht"). Claims 20-22 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverricht and further in view of (Franz et al.) WO 02/12158 A1 (US Patent No. 7,038,065 is the English language equivalent) ("Franz"). The applicant respectfully traverses these rejections.

Comments to Interview of June 16, 2009

On June 16, 2009 the applicant conducted a telephone interview with the Examiner. The applicant discussed the possibility of presented two independent claims. One claim requiring that the aerosol contain solid particles and the other limiting the synthesis of maleic anhydride, phthalic anhydride, or ethylene oxide. The applicant discussed that the primary reference did not teach these features. An agreement was not reached. The applicant has submitted these claims with this amendment.

Rejections under 35 U.S.C. 103(a)

Claims 14-19, 23-25, 27-31, 33, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverricht. Claims 20-22 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverricht and further in view of Franz.

The applicant has two independent claims (14 and 37).

Claim 14 requires that the catalytically active solid material or a precursor thereof.

Unverricht requires that the catalytically active material is a liquid or dispersion but not a solid as is required by the applicant's claimed invention. Specifically at page 2, Unverricht states,

The first made preparation of a liquid starting mixture in **form of a solution, an emulsion and/or a dispersion** corresponding in the DE-A 198 05 719 described manner. The **liquid mixtures** contain generally a liquid chemical component, those as solvent, emulsifying aid or dispersion aid for the other components of the mixture used becomes. (emphasis added).

Unverricht therefore teaches away from the applicant's claimed invention of claim 14 (using a solid and not liquid).

The applicant's claim 37 requires that the reactor is employed for carrying out oxidation or hydrogenation reactions and the oxidation or dehydrogenation reactions are synthesis of maleic anhydride, phthalic anhydride, or ethylene oxide. The Examiner has stated at page 3 of the office Action in paragraph 7. A. i., Unverricht discloses oxidation preparation of (meth)acrolein and/or (meth)acrylic acid. However, the applicant believes that Unverricht does not disclose nor teach preparations of maleic anhydride, phthalic anhydride, or ethylene oxide as is claimed by claim 37. These preparations are not taught by Unverricht. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13156-00026-US from which the undersigned is authorized to draw.

Respectfully submitted,

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